

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES OF AMERICA,

Case No. 13-CR-0074(1) (PJS/FLN)

Plaintiff,

v.

ORDER

MICHAEL ANDREW SCHLEGEL,

Defendant.

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Defendant Michael Schlegel was convicted by a jury of various tax-related offenses and sentenced to a total of 60 months in prison. ECF No. 174. This matter is before the Court on Schlegel's motion for adjudication of good-time credits. ECF No. 244.

The relief that Schlegel is seeking cannot be obtained via motion in his criminal case, but instead must be pursued via a separate civil action under 28 U.S.C. § 2241. *Cf. Leiter v. Nickrenz*, 697 F. App'x 470 (8th Cir. 2017) (per curiam) (habeas corpus is exclusive federal remedy to restore good-time credits). Indeed, Schlegel apparently realizes this, as he asks that this claim be added to his recently filed § 2241 petition. *See Schlegel v. Rios*, No. 19-CV-0338 (SRN/ECW) (petition docketed Feb. 11, 2019).

Accordingly, the Court denies his motion without prejudice. If Schlegel wishes to add this claim to his pending habeas action, he should follow the proper procedures to amend his habeas petition in that case.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT defendant's motion [ECF No. 244] is DENIED  
WITHOUT PREJUDICE.

Dated: February 15, 2019

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge